1944 K **File No.** Ferries and Inland vessels II

Legal Dept- 44

B. **BRANCH**

Subject:— Rules and Notifications under the Bombay Ferries and Inland Vessels Act 1868

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Office of the R.L.A.

Revised drafts of the Forms of License are send herewith

2. License Form for plying a vessel for hire on a tank or amended by the Bombay Ferries (Amendment) Act, 1942 (Bom.XXI of 1942), by section 8 of which the title of the principal Act 1868 has been changed to the Bombay Ferries and Internal Vessel Act. The correct title has been given in the revised drafts.

3. Conditions 1 and 2 at page 45 in the P.W.D. draft are not suitable for a license form. They have therefore been omitted from the revised draft.

4. Since the license period is from the 1st of October to the 1st of May following and not for a complete year and therefore the license will have to be given every year, it does not appear necessary to provide for renewal. Condition 3 on page 59 of P.W.D. draft has therefore been omitted from the revised draft.

5. The first part of condition 12 of the P.W.D. draft at page 45 is suitable for an executive instruction to the Executive Engineers. The second part is covered by conditions on the reverse in the revised draft.

6. Condition 17 of the P.W.D. draft at page 46 is in / complete as no provision has been made as to what the Sub - Divisional Officer is to do, if he does not defer the dispute to the Executive Engineer, Condition 13 on the reverse in the revised draft ⊛ himself or refer it to the Executive Engineer and that the decision of the Sub-Divisional Officer or of the Executive Engineer shall be final.

⊛ therefore provides that he may decide the dispute

7. The latter part of condition 18 of the P.W.D. draft at page 46 provides for the property deposited with the licensee to be returned to the claimant. This provision is outside the scope of the license and has therefore been replaced by condition 14 in the revised draft providing for handing over the property left to the nearest police officer or police patil of the village on the lines of condition

15 of the further condition of the license form for ferries approved in G.R. P.W.D. No.2420/36- II, dated the 27th August 1941.

8. Condition 21 in the P.W.D. draft at page 46 does not provide, as does condition 23 that the licensee shall not have any claim to refund of fees if the license is suspended or cancelled by Government. Conditions 21 and 23 in the P.W.D. draft have therefore been combined in condition 16 on the reverse of the revised draft and the lacuna filled up

9. Conditions 25 and 26 in the P.W.D. draft at page 46 are unnecessary and outside the scope of the license. They have therefore been omitted.

10. The other conditions have been recast and rearranged from the drafting point of view.

11. License Form for plying of a vessel for pleasure on a tank of lake has been revised on similar lines.

12. It is understood that the draft rules under section 17A(2)(a) are still under the consideration of the P.W.D. That Department will no doubt take care to see that no provision is made in framing these rules so as to create a conflict with the conditions embodied in the licence forms. Indeed it would have been better procedure to settle the rules first prescribing the conditions of the license, and to draft the license accordingly embodying the prescribed conditions.

13. With regard to the question in the last sentence of paragraph 4 of the P.W.D. note at page 64,

viz. whether in respect of the boats referred to at A on that page the conditions in the form of license for plying ferries on any creek, river or tank approved in G.R. P.W.D. No.2420/36 - /II, dated the 27th August 1941 can be adopted, there is no objection to adopting the form with suitable modifications as shown in pencil on the form (Slip M).

Id/- P.N.M.
3/2/44

Remembrancer of Legal Affairs.

U.R. to P.W.D. No.948, dated the 4th February 1944,

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